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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,690	01/27/2004	Patrick Monney .	09623C-031510US	2081
20350 7	7590 03/10/2005	EXAMINER		
TOWNSEND	AND TOWNSEND	NGUYEN, ANTHONY H		
TWO EMBAR	CADERO CENTER			
EIGHTH FLO	OR		ART UNIT	PAPER NUMBER
SAN FRANCI	SCO, CA 94111-3834		2854	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summan		10/766,690	MONNEY ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Anthony H. Nguyen	2854			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠	1) Responsive to communication(s) filed on 27 January 2004.					
2a)□		action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	ion of Claims					
5) 6) 7)	4) Claim(s) 1-5 and 16-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-5 and 16-24 are subject to restriction and/or election requirement.					
Applicati	ion Papers					
9)☐ The specification is objected to by the Examiner.						
10)	10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachmen	t(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
3) 🔲 Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da 5) ☐ Notice of Informal Pa 6) ☐ Other:	te atent Application (PTO-152)			

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to a keyboard support device using in a keyboard, classified in Class 400, subclass 691.
- II. Claims 16-20, drawn to a key switch device using a control device on in a keyboard, classified in Class 400, subclass 472.
- III. Claims 21-24, drawn to a keyboard structure and housing made of particular material, classified in Class 400, subclass 694.

Inventions of Groups I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions Groups I and II is not used together since keyboard's foot of Group I cannot be used in a volume control dial of Group II since they have different modes of operation, different functions, or different effects.

Inventions of Groups I or II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the at least keyboard foot (Group I), or the volume control dial (Group II) does not need an opaque

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keyboard frame and the translucent top case (Group III) to be operative. The subcombination has separate utility such a translucent top case can be used in a keyboard without the keyboard foot, or the volume control dial in Groups II.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (703) 872-9306.

Anthony Nguyen

3/2/05

Patent Examiner

Technology Center 2800

Eurhone Olgugen